

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

22-CR-109-LJV

PAYTON GENDRON,

Defendant.

SPEEDY TRIAL ORDER
(11/28/2023 through 1/12/2024)

On November 28, 2023, the parties appeared before the Court for a status conference in this case. Assistant United States Attorneys Joseph M. Tripi and Brett A. Harvey, and Department of Justice Civil Rights Division Trial Attorney Laura Gilson, appeared on behalf of the government. The defendant appeared through his attorneys – Assistant Federal Public Defenders Sonya Zoghlin, MaryBeth Covert, and Anne Burger – who waived the defendant's appearance.

During the status conference, the government reported that the capital case process was progressing, and the decision of whether to seek the death penalty in this case was under consideration by the Office of the Deputy Attorney General. The Court adjourned the case to January 12, 2024, for a status conference/oral argument on two pending defense motions (one of which was filed under Document No. 10 and the other was filed under seal). The government moved to exclude the period of the adjournment in the interests of justice pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv), based on the need of defense counsel to continue to review the voluminous discovery and the fact

that the death penalty determination was still under consideration by the Department of Justice. The government also noted that period of the adjournment is automatically excluded from the speedy trial clock under Title 18, United States Code, Section 3161(h)(1)(D) because of the pending defense motions. Defense counsel agreed to the government's motion to exclude time.

The Court excluded the speedy trial time in this action from and including November 28, 2023, through and including January 12, 2024, as being in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). Additionally, the Court concluded that the pendency of the two defense motions served to automatically exclude the time from the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(1)(D).

Specifically, and for the reasons set forth above, the Court determines that the defendant's and the public's interest in in a speedy trial is outweighed by the defendant's interest in having adequate time to determine what pretrial motions to file and prepare the defense of this case. Additionally, providing the defendant, whose charges carry the potential for the death penalty, with effective assistance of counsel outweighs the public's interest in a speedy trial. Furthermore, the defendant's interests in enabling sufficient time for his defense counsel to review voluminous discovery materials and securing the effective assistance of counsel outweighs the interest of the defendant in a speedy trial.

NOW, it is hereby

ORDERED, for the reasons set forth above, that this case is hereby adjourned until January 12, 2024; and it is further

ORDERED that the time in this action from and including November 28, 2023, to and including January 12, 2024, is properly excluded from the time within which trial must commence, in accordance with the Speedy Trial Act, pursuant to Title 18, United States Code, Sections 3161(h)(1)(D), 3161(h)(7)(A), and 3161(h)(7)(B)(iv).

The Court further finds that, as of January 12, 2024, zero (0) days of Speedy Trial Act time will have elapsed in this action and 70 days remain in the period within which trial must commence.

DATED: Buffalo, New York, January 9, 2024.


HONORABLE LAWRENCE J. VILARDO
United States District Judge
Western District of New York